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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/328,299	06/08/99	GLOWNY	D 8740-037

020583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

LM02/1003

EXAMINER

WEAVER, S

ART UNIT

PAPER NUMBER

2748

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/328,299

Applicant(s)
Glowny et al.

Examiner
Scott L. Weaver

Group Art Unit
2748



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-34 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 8-10, 13-22, 25-27, and 30-34 is/are rejected.
- ☒ Claim(s) 6, 7, 11, 12, 23, 24, 28, and 29 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371^o of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-5, 10, 18, 20-22, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Peavey et al. (#5,533,103).

The claims read on Peavey as follows: Peavey teaches (Abstract; figures 1, 3, 4, 5; col.2,ln.30-45; col.3,ln.10-47; col.4,ln.17-65; col.5,ln.16-38; col.8,ln.17-col.9,ln.47; col.11,ln.39-52) a system, method, program and software including for recording telephone call information in first and second memory which are the same device, and a processor for reconstruction of the telephone by use thereof, the data representation includes location of each segment as required for playback thereof, the processor is comprised of plural components, the data of telephony events is received from the a plurality of sources connected to a telephone switching environment (the users).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 13, 17, 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peavey as applied above in view of Jorgensen et al. (#5,867,559).

Peavey teaches that which is as pointed out above, Peavey does not teach displaying of graphical representations of the telephone call of at least one segment, nor data representative of a table of the call record.

Jorgensen teaches (col.3,ln.34-65; col.4,ln.27-col.5,ln.8) details of the verification process including the playback process using file locations, displaying of graphical representations of the telephone call of at least one segment, displaying data representative of a table of the call record as by display of the record itself on computer screen for verification.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the system of Peavey to retrieve data for the verification process including the playback process as taught by Jorgensen, displaying of graphical representations of the telephone call of at least one segment as taught by Jorgensen, and display data representative of a table of the call record as taught by Jorgensen for the purpose of enabling the verification system described by Peavey to retrieve and verify the updated records recorded thereby.

5. Claims 2, 8-9, 19, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peavey as applied above in view of Brady (#5,982,857).

Peavey teaches that which is as pointed out above, Peavey does not teach the data representation includes all of a list of participants and a list of telephony events and a list for the time of each telephony event and the start and end time of the call, nor is the file specifically a .WAV file containing the audio with the required offset data to determine start and end points.

Brady teaches (col.4,ln.52-col.5,ln.34) teaches to include all of a list of participants and a list of telephony events and a list for the time of each telephony event and the start and end time of the call, and to use specifically a .WAV file containing the audio with the required offset data to determine start and end points.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the system of Peavey to includes all of a list of participants and a list of telephony events and a list for the time of each telephony event and the start and end time of the call as taught by Brady for the purpose of enabling the complete verification of certain parts of the telephone record, as well as to use a .WAV file containing the audio with the required offset data to determine start and end points as taught by Brady for the purpose of using a well known file format which would be widely compatible between different systems.

6. Claims 14-16, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peavey as modified above in view of Brady and further in view of Jorgensen.

Peavey as modified in view of Brady teaches that which is as pointed out above, the references do not teach displaying of graphical representations of the telephone call of at least one segment, nor data representative of a table of the call record.

Jorgensen teaches (col.3,ln.34-65; col.4,ln.27-col.5,ln.8) details of the verification process including the playback process using file locations, displaying of graphical representations of the telephone call of at least one segment, displaying data representative of a table of the call record as by display of the record itself on computer screen for verification.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the system of Peavey modified in view of Brady to retrieve data for the verification process including the playback process as taught by Jorgensen, displaying of graphical representations of the telephone call of at least one segment as taught by Jorgensen, and display data representative of a table of the call record as taught by Jorgensen for the purpose of enabling the verification system described by Peavey modified in view of Brady to retrieve and verify the updated records recorded thereby.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Claims 6-7, 11-12, 23-24, and 28-29 are objected to for being dependent on a rejected base claim and would be allowable if rewritten to include the limitations of the base claim and any intervening claims for the reasons noted below.

With respect to claims 6-7 and 23-24, the prior art does not teach the combination including the start time, end time and duration of each recorded segment, with respect to claims 11 and 28, the prior art does not teach one source real time link and second source not real time link, nor with respect to claims 12 and 29, one source CTI link and at least one other source being an SMDR link.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:


(703) 308-6296 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista M. Zele, can be reached on (703) 305-4701.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


SCOTT L. WEAVER
PRIMARY EXAMINER
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